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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,607	02/19/2004	Colleen Nielson	E1972-00001	5138
8933	7590	03/14/2006	EXAMINER	
DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			CARTER, WILLIAM JOSEPH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No.	Applicant(s)	
	10/782,607	NIELSON, COLLEEN	
	Examiner	Art Unit	
	William J. Carter	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10, 13-15, 18, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westfall (6,663,259) in view of Azeredo et al. (6,079,855).

With respect to claims 1 and 7, Westfall teaches a reconfigurable apparatus comprising one of a household lighting apparatus (item 10 coupled with item 28) and a home accessory and including a plurality of fixed component (10 and 28), and a plurality of interchangeable decorative adornments (figures 5-11), each including a magnet (column 3, lines 49-52). Westfall does not explicitly teach a plurality of interchangeable decorative adornments being magnetically coupled to a portion of the apparatus simultaneously. Azeredo, also drawn to decorative lighting, teaches a plurality of interchangeable decorative adornments (3) being magnetically coupled (column 5, lines 29-33) to a portion of the apparatus simultaneously (Fig. 6). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the simultaneously attached decorative adornments of Azeredo on the light of Westfall, in order to provide a decorating system that is easily installed and easily removed (column 2, lines 39-41).

As for claim 2, Westfall further shows the apparatus (item 10 coupled with item 28) comprises a lamp (28).

As for claim 3, Westfall further teaches the plurality of interchangeable decorative adornments comprise a first set of interchangeable decorative adornments (any of figures 5-11) that provide a first appearance to the apparatus (item 10 coupled with item 28) and further comprising a second set of interchangeable decorative adornments (any of figures 5-11) magnetically engageable (column 3, lines 49-52) with the apparatus to provide a second appearance.

As for claim 4, Westfall further shows the apparatus comprises a fixture (item 10 coupled with item 28) and the at least one fixed component (10) includes a plurality of light sources (30).

As for claim 5, Westfall further shows the plurality of interchangeable decorative adornments of at least one of different colors and differed shapes (figures 5-11).

As for claim 6, Westfall further shows the interchangeable decorative adornments of the plurality of interchangeable decorative adornments (figures 5-11) are attachable to multiple locations (anywhere on item 12) to provide multiple configurations to the apparatus (item 10 coupled with item 28).

As for claim 10, Westfall further shows the plurality of interchangeable decorative adornments (figures 5-11) includes interchangeable decorative adornments of at least one of different colors and different shapes (figures 5-11).

As for claim 13, Westfall further shows the interchangeable decorative adornments (figures 5-11) of the plurality of interchangeable decorative adornments are attachable to multiple locations (anywhere on item 12) to provide multiple configurations to the decorative lighting unit (item 10 coupled with item 28).

As for claim 14, Westfall further teaches the plurality of interchangeable decorative adornments (figures 5-11) provide a first appearance to the decorative lighting unit (item 10 coupled with item 28) and are repositionable on the decorative lighting unit to provide a second appearance to the decorative lighting unit (column 4, lines 52-57).

As for claim 15, Westfall teaches a method for cleaning a decorative lighting unit comprising: providing a decorative lighting unit with a plurality of removable adornments (figures 5-11), each including a magnet and the plurality of removable adornments being magnetically coupled (column 3, lines 49-52) to the decorative lighting unit (item 10 coupled with item 28); removing the plurality of removable adornments by pulling to disengage the magnet; cleaning the plurality of removable adornments; and recouping the plurality of removable adornments to the decorative lighting unit. Westfall does not explicitly teach a plurality of interchangeable decorative adornments being magnetically coupled to a portion of the apparatus simultaneously. Azeredo teaches a plurality of interchangeable decorative adornments (3) being magnetically coupled (column 5, lines 29-33) to a portion of the apparatus simultaneously (Fig. 6). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the simultaneously attached decorative adornments of Azeredo on the light of Westfall, in order to provide a decorating system that is easily installed and easily removed (column 2, lines 39-41). Westfall and Azeredo teach all of the disclosed elements, which are assembled as claimed, thus the method is inherently taught.

As for claim 18, Westfall teaches a set of interchangeable decorative adornments (figures 5-11), where each of the interchangeable decorative adornments comprise at least one decorative portion (figures 5-11) and a magnet (column 3, lines 49-52) and being magnetically attachable (column 3, lines 49-52) to a plurality of corresponding metal portions (anywhere on item 12) of one of the reconfigurable decorative lighting unit (item 10 coupled with item 28). Westfall does not explicitly teach a set of interchangeable decorative adornments for simultaneous attachment to reconfigurable decorative lighting units and the set being magnetically attachable to a reconfigurable decorative lighting unit, at the same time. Azeredo teaches a set of interchangeable decorative adornments (3) for simultaneous attachment to reconfigurable decorative lighting units (Fig. 6) and the set being magnetically attachable (column 5, lines 29-33) to a reconfigurable decorative lighting unit, at the same time (Fig. 6). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the simultaneously attached decorative adornments of Azeredo on the light of Westfall, in order to provide a decorating system that is easily installed and easily removed (column 2, lines 39-41).

As for claim 22, Westfall further shows at least one of the interchangeable decorative adornment includes a plurality of decorative portions having at least one of a different shape and a different color (figures 5-11).

As for claim 24, Westfall further shows the set of interchangeable decorative adornments include adornments having at least one of different colors and shapes (figures 5-11).

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Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westfall and Azeredo as applied to claims 7 and 18 above, and further in view of McDermott (5,655,308).

With respect to claims 8 and 20, Westfall and Azeredo teach all of the claimed elements, as disclosed above, except for the magnet comprising a rare earth magnet. McDermott, drawn to using magnets in lighting, teaches the use of a rare earth magnet (50) (although McDermott uses his magnet in another form of lighting, he teaches the advantages of using a rare earth magnet over a traditional magnet for its powerful and light weight connection, which would give one of ordinary skill in the art the motivation to use this magnet in decorative lighting where powerful and light-weight connections are advantageous). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the rare earth magnet of McDermott in the decorative lighting unit of Westfall, in order to provide a powerful and lightweight magnetic connection (column 7, lines 9-10).

Claims 9, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westfall and Azeredo as applied to claims 7 and 18 above, further in view of Bayer (6,241,370).

With respect claims 9, 16, 17, and 19, Westfall and Azeredo teach all of the claimed elements, as disclosed above, except for the decorative lighting unit comprising a chandelier. Bayer, drawn to lighting, teaches the use of a chandelier (2) as a decorative lighting unit (although Bayer does not explicitly teach decorative adornments that are easily interchangeable because they are simply and releasably magnetically

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coupled to the chandelier, he does teach a chandelier with magnetic decorations [310; column 11, lines 11-13], that provides motivation for the combination of Westfall and thus teaches the limitations of the present claim). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the chandelier of Bayer as the lighting unit in the decorative lighting unit of Westfall, in order to create a more aesthetically pleasing lighting unit. As for claims 16 and 17, Westfall and Bayer teach all of the disclosed elements, which are assembled as claimed, thus the method is inherently taught.

Claims 12, 21, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Westfall and Azeredo as applied to claims 7 and 18 above, further in view of Bayer (6,712,490):

As for claims 12, 21, and 23, Westfall and Azeredo teach all of the claimed elements, as disclosed above, except for the decorative adornment being formed of crystal and the adornment being coupled by one of string, wire, metal links, and a metal chain. Bayer teaches decorative crystal adornments couple by wire in a decorative lighting unit (column 1, lines 19-23). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use the crystal adornments of Bayer in the decorative lighting unit of Westfall, in order to provide and overall decorative appearance (column 1, lines 17-19).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on (571)272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR only.


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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

wjc

03/03/06



RENEE LUEBKE
PRIMARY EXAMINER